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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,655	12/10/2001	Marvin R. Hamrick	BS99-092-CON	2330
39262	7590	12/17/2004	EXAMINER	
BELLSOUTH CORPORATION P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			TO, TUAN C	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,655

Applicant(s)

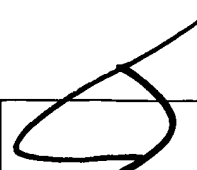
HAMRICK ET AL.

Examiner

Tuan C To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-45, 51-58, 60-76 and 81-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 58, 60-76, and 81-91 is/are allowed.
- 6) ☒ Claim(s) 36, 37, 39, 43-45 and 51 is/are rejected.
- 7) ☒ Claim(s) 38, 40-42 and 52-57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/24, 10/25/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 36, 37, 39, 43-45, and 51 are rejected under 35 U.S.C. 102(a) as being anticipated by Westerlage et al. (US 5987377A).

With respect to claim 36, the reference to Westerlage et al. is directed to a system and method for determining expected time of arrival, in which the mobile unit (42) receives the data corresponding to a parameter of the vehicle from the dispatch (20). For example, the mobile unit (42) receives the destination information for the vehicle (40) including and its corresponding appointment time (Westerlage et al, abstract). Westerlage et al. also teach a method for determining an expected time of arrival of a vehicle and indicating a late on a display if the vehicle can not be at the destination as set. Referring to figure 4 of Westerlage et al, on lines 2-4, the expected time is not matched with the appointment time, that is means the arriving time is out of range of acceptable

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values. In addition, the operator of the vehicle is noted by the late indicator corresponding to its destination (Westerlage et al., figure 4, 67).

With regard to claim 37, Westerlage et al. teach the following: "the dispatch (20) may allocate fifty-five minutes to repair a machine at destination M and five minutes to travel between destination M and N". Thus, the "fifty-five minute" is a stationary time of the vehicle (Westerlage et al, column 10, lines 3-17).

With regard to claim 39, Westerlage et al. teach the following: "the dispatch (20) may allocate fifty-five minutes to repair a machine at destination M and five minutes to travel between destination M and N". The length of time the vehicle is in motion is a time needed for vehicle to travel from the destination M to the destination N.

With regard to claim 43, the reference to Westerlage et al. shows that the vehicle display (60) (Westerlage et al, figure 4) shows a listing of exceptions, as specifically shown in lines 2-4 of the display.

With regard to claim 44, the reference to Westerlage et al. disclose that the destination data and the expected time of arriving of the vehicle is generated based on the vehicle position which is determined by the system shown in figure 5.

With regard to claim 45, Westerlage et al. additionally teach a GPS system that includes satellites (47) (Westerlage et al, figure 1, 47; figure 5, antenna 82, receiver 84, controller 86).

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With respect to claim 51, as set forth in column 10, lines 57-63, the vehicle (40) includes a mobile unit (42) that includes a mobile positioning receiver (80) for receiving vehicle location information from satellites (47), a processor (100) communicates the receiver (80) via the controller (86) and said the processor (100) compares the vehicle location received from the receiver (80) to the destination information from transceiver (94). According to Westerlage et al, "the processor 100 generates an expected time of arrival for vehicle 40 at a particular destination based on the vehicle position and the destination information". The output device (104) displays the expected time of arrival as well as the indication of arriving late (Westerlage et al. column 11, lines 39-45; figure 4, 67).

Response to Amendment

The applicant's amendment and arguments filed on 09/24/2004 have been fully considered. The double patenting rejection upon claims 36-45, 51-57, 58, 60-76, and 81-91 as set in the previous rejection has been withdrawn. However, the application would not be patentable because the reference to Westerlage et al. has been found that read on the limitation of claims 36, 37, 39, 43-45, and 51. The rejection of those claims were not represented in the previous office action, thus, this rejection is set as non-final rejection.

Allowable Subject Matter

After searching some of the classified areas that are relevant to the subject matter of the claimed invention, the examiner has found none of the references discloses the limitations as recited in claims 38, 40-42, 52-58, 60-76,

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and 81-91. Thus, claims 38, 40-42, 52-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 58, 60-76, and 81-91 are allowable.

Conclusions

The prior art made of record, which are listed in PTO-892, and not relied upon are considered pertinent to applicant's disclosure includes the following: Pearce's, Schmier et al.'s, and Oster et al.'s.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233.

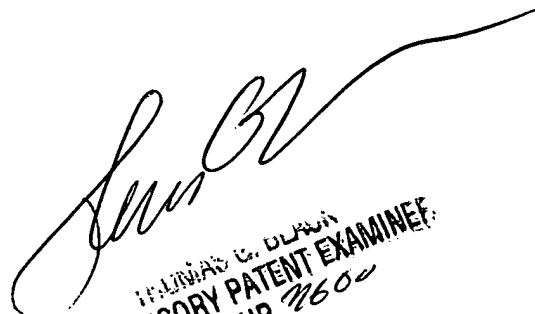
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/tc

December 6, 2004


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